

In re the Application of:

Group Art Unit: 2876

Examiner: Thien M. Le

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**For: MULTIPLE APERTURE DATA  
READER FOR MULTI-MODE OPERATION**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Pursuant to the duty of disclosure, documents listed on the accompanying Form PTO-1449 (or equivalent) are presented for the Examiner's consideration.

Copies of items listed are enclosed for the convenience of the Examiner.

The items identified in this IDS may or may not be “material” pursuant to 37 CFR § 1.56. The submission thereof by Applicant is not to be construed as an admission that any such patent, publication or other information referred to therein is material or considered to be material (37 CFR § 1.97(h)), or even qualifies as “prior art” under 35 USC § 102 with respect to this invention unless specifically designated by Applicant as such.

01 FC:1806 180.00 DA

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

Date of Deposit

**Sandi Lekar**

Name of Person Mailing Paper

Signature of Person Mailing Paper

**Further information regarding the litigation and further explanation of item CA:**

In the IDS filed 7/27/2004 the existence of litigation in a parent of the above-identified application was brought to the attention of the Patent & Trademark Office, specifically including complaint documents from the litigations: (1) NCR Corporation v. PSC, Inc. and PSC Scanning, Inc., Case No. 3:04cv0142 (USDC for the Southern District of Ohio at Dayton); and (2) PSC Scanning, Inc. v. NCR Corporation, Civil Action No. 04-06137-AA (USDC D. Oregon, Eugene).

Additional information from this litigation is presented:

1. It is understood that these lawsuits have been dismissed without prejudice.

2. Item CA PSC Scanning, Inc. Claim Charts

These claim charts were asserted by PSC (owner of the present application) for an October 2004 settlement conference relating to the 6,575,368 patent. DOCUMENT SUBMITTED UNDER MPEP § 724.

3. During the settlement conference NCR also made assertions disputing PSC's assertions of claim construction and infringement.

The Examiner is invited to contact the below-listed attorney if additional information may be required pursuant to M.P.E.P. § 2001.06(c).

**INFORMATION DISCLOSURE STATEMENT FILING PROVISION:**

☐ This IDS is believed to be timely in that it is being submitted under 37 CFR § 1.97(b), that is (1) within three months of the filing date of the application, which is not a continued prosecution application filed under § 1.53(d); or (2) within three months of entry of the national stage as set forth in 37 CFR § 1.491; or (3) before the mailing of a first Office action on the merits; or (4) before the mailing of a first Office action after filing a request for continued examination under § 1.114. Thus, no fee is required.

- ☐ However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and charge the fee due under 37 CFR § 1.17(p) to the deposit account referenced below.
- ☐ However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and a statement under 37 CFR § 1.97(e) is included below, thus no fee is required.
- ☒ This IDS is being submitted under 37 CFR § 1.97(c), that is after mailing of a first Office action on the merits, but before a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR § 1.311.
- ☒ The fee due under 37 CFR § 1.17(p) is submitted herewith.
- ☐ A statement under 37 CFR § 1.97(e) is included below, thus no fee is required. In the event that this IDS is not received before a Final Action or a Notice of Allowance, then Applicant respectfully requests that the Office consider the filing of these papers to be submitted under 37 CFR § 1.97(d) and charge the fee due under 37 CFR § 1.17(p) to the deposit account below.
- ☐ This IDS is being submitted under 37 CFR § 1.97(d), that is after a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR § 1.311, but before payment of the issue fee. A statement under 37 CFR § 1.97(e) is included below. The fee due under 37 CFR § 1.17(p) is submitted herewith.

**STATEMENT UNDER 37 CFR § 1.97(e):**

- ☐ Each item contained in this IDS was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS.
- ☐ No item contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this statement after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 CFR § 1.56(c) more than three months prior to the filing of this IDS.
- ☐ Applicant sets forth below concise explanation of the relevance of each document not in the English language and/or selected documents(s) in the English language.

**PAYMENT AND/OR AUTHORIZATION TO CHARGE FEES:**

- ☐ A check in the amount of \_\_\_\_\_ is enclosed for the above fee(s).
- ☒ Please charge PSC's Deposit Account No. **13-4953** for the above fee(s).
- ☒ The Commissioner is authorized to charge PSC's Deposit Account No. 13-4953 for any fees which may be required by the filing of this paper.<sup>1</sup>

Respectfully submitted,

Dated: December 27, 2004

By: John A. Rafter, Jr.  
John A. Rafter, Jr.  
Reg. No. 31,653

33451  
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<sup>1</sup> The Commissioner is authorized to charge Stoel Rives LLP's Deposit Account No. 19-4455 if the above-referenced Account No. 13-4953 has insufficient funds.

**LIST OF PATENTS AND OTHER ITEMS FOR APPLICANT'S  
INFORMATION DISCLOSURE STATEMENT**

**APPLICANT:**

Thomas E. Tamburrini et al.

**FILING DATE:**

March 9, 2004

**GROUP:**

2876

(Use several sheets if necessary)

## U.S. PATENT DOCUMENTS

| EXAMINER<br>INITIAL |    | DOCUMENT NUMBER | DATE    | NAME        | CLASS | SUB<br>CLASS | FILING<br>DATE |
|---------------------|----|-----------------|---------|-------------|-------|--------------|----------------|
|                     | AA | 6,065,676       | 5/2000  | Ring et al. | 235   | 462.43       | 10/20/1994*    |
|                     | AB | 6,244,510       | 6/2001  | Ring et al. | 235   | 462.43       | 12/21/1999*    |
|                     | AC | 6,460,768       | 10/2002 | Ring et al. | 235   | 462.43       | 4/3/2001*      |
|                     | AD |                 |         |             |       |              |                |

## FOREIGN PATENT DOCUMENTS

| EXAMINER<br>INITIAL |    | DOCUMENT NUMBER | DATE    | COUNTRY | CLASS | SUB<br>CLASS | TRANSLATION<br>YES NO |
|---------------------|----|-----------------|---------|---------|-------|--------------|-----------------------|
|                     | BA | WO 9321600**    | 10/1993 | PCT     |       |              |                       |
|                     | BB |                 |         |         |       |              |                       |
|                     | BC |                 |         |         |       |              |                       |

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, etc.)

|  |    |                                                                                                                                                                                                                                                                                                                                                                         |
|--|----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  | CA | Claim charts asserted by PSC Scanning, Inc. for October 2004 for settlement conference relating to the pending cases <u>NCR Corporation v. PSC, Inc.</u> and <u>PSC Scanning, Inc.</u> , Case No. 3:04cv0142 (S.D. Ohio, Dayton) <u>PSC Scanning, Inc. v. NCR Corporation</u> , Civil Action No. 04-6137-AA (D. Oregon, Eugene).<br>DOCUMENT SUBMITTED UNDER MPEP § 724 |
|  | CB |                                                                                                                                                                                                                                                                                                                                                                         |
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\* parent filing date 4/17/1992

\* \* corresponds to US 6,065,676 (Item AA)

**EXAMINER:****DATE CONSIDERED:**

EXAMINER: Initial if reference is considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include a copy of this form with next communication to applicant